

U.S. District Court  
Eastern District of Virginia  
Case Name: Williams v. Smithfield Foods (North Plant)  
Case Number: 2:16-CV-00217-AWA-RJK  
Action No.: 2:16CV217

AMENDMENT TO COMPLAINT

1. Making False statement against me and filing through with the EEOC

**Job performance:** Assesses whether a person performs a job well

The words job performance and others like it appear in Exhibit SF, A, B, C and D. First of all, my job title is Knife Sharpening and not production clerk. Mr. Joe Moulton named us of his own choice, which I feel he had no right to do so, because my pay check stated Knife Sharpening. I am a professional knife sharpener. I was trained by Cozzini Inc. Being at Smithfield for 38 years, 18 years of using knives and 20 years of sharpening knives, makes me very aware of my job performance. From the safety aspect to breaking down and repairing the machines, Exhibit A is about a safety glove that I know could cause me to get hurt, which the type of glove that was given to me, affected me from doing my job well.

Exhibit B is about a locker clean-out, which never took place on that day, has nothing to do with the performance of me producing the best sharp knife possible.

Exhibit D makes mention of a key, which I paid for, had nothing to do with my job performance.

Numerous of untrue statements have been said about me. The only write-ups are the ones Joe Moulton did. Out of about 5 to 7 former supervisors that we've been under, Joe Moulton is the only one who wrote us up. Giving false information can be damaging, if it is not corrected.

## 2. HARASSMENT

The Harassment started by Joe Moulton as follows:

1. The harassment started after the January 16, 2015 write-up of an oral warning for not wearing safety gloves. (See Exhibit A from Smithfield Foods)
2. Why being harassed?
  - a. I believed the harassment started because when Mr. Joe Moulton took me to Human Resources saying that I violated a safety rule for not having on safety gloves. I asked Angela in Human Resources, "Why is it that safety rules only apply to the employees and not management." She asked, "Why?" in front of Joe and I told Angela, "Joe was taking old knives out of the throw-away bin with his bare hands when he should have had on safety gloves and this happened about 5-minutes after he said something to me about not wearing safety gloves"; he got upset about it. (See Exhibit A 8), she asked him about it.
3. Why I did not have on safety gloves:
  - a. The TruHone HR8Honer Machine uses an oil base solution, that makes it hard to sharpen knives, due to the plastic handle knives, oil based solution, and the oil based soak safety glove; the going back and forth motion could cause the knife to slip and the machine could kick the knife back into me. (See Exhibit A3, A9, A10) with these gloves on they can irritate the skin more and they are not oil resistant gloves.
4. Being accused of things on a daily basis whenever Joe Moulton come into the knife room,
  - a. Had me cleaning the new Knecht Knife Sharpening Machine every morning when I got to work. My shift started at 5:00 a.m., but I would always have to start at 4:30 a.m. in order to clean machines before the hourly employees come to pick up or exchange knives. I asked Joe, "Why did I have to do so when there was a second shift and a third shift employee that comes in behind me." He told me, "Because I said so." The machine usually stop running around 11:00 p.m. to 1:00 a.m. He would check the log book every morning to see if I did so.
5. One morning I cleaned the machine and I documented everything I did. As the knives came in, I loaded them into the machine and started it; Joe Moulton came in that morning looked at the machine and said, "It had not been cleaned." Auris Tousaint, another employee, told him that, "I did clean the machine." Joe Moulton made me clean the machine again while he stood right there and watched. (See Exhibit 2 - I3)

2. CONTINUE

6. Mr. Moulton had John Lawrence come into the knife room several days to watch me throughout the day and report back to him my activities for that day. This happened for a period of time.
7. Mr. Moulton told Mr. Jones one day not to load any knives in the machine to be sharpened, because I was going to do it all that day. But yet, Mr. Jones also works in the knife room. So Mr. Jones sat out in the hallway on a pallet of combo boxes most of the day.
8. Joe Moulton accused me of sharpening knives in the Tru-Hone Machine without water and wrote me up for it on May 29, 2015. Joe had not even seen me near the machine, because the machine was on. I had not been at work that long when Joe and John came in. John said he would check the pump. Joe told John, "No, Tony is going to do it." John works in the knife room at times anyway.
9. Joe accused me of not doing inventory for the week and when I did it, he complained about it not being right. But if someone else take inventory, whether it was right or wrong, it would be ok.
10. Joe Moulton tried to get John Lawrence, Kenneth Holmes, Shawn (last name unknown, but was a trainer), William Copeland (kill floor employee) to write false statements against me so he could write me up.
11. One day Joe called to the knife room and accused me of doing something with some 4" knives he ordered for the kill floor that he could not use. So he was going to send them back. Joe did not believe me when I told him I did not have them. He then sent John Lawrence to the knife room and asked me about the knives. I told John that, "he and Joe broke the knives up and put them in the throw-away bin." Then John remembered and said, "Yea we sure did."
12. Mr. Moulton kept accusing us of not setting the knife machine right. So one day he came in to look at the machine and said it was not set right. So I told Joe to show me how he wanted it set. He looked at me and told me, "If I got to show you how to set it, I don't need you." Another time he saw me writing the setting to the machine that he gave me in my note pad, he asked me what I was doing, I told him, "writing down the setting." He was standing by the table and said, "If you can't remember that something must be wrong with you."
13. One Tuesday morning about 7:15 a.m., Mr. Moulton came into the knife room and asked me for the inventory sheet I did on Saturday. I told him that I gave it to John Lawrence on Monday. Mr. Moulton told me I probably didn't do it. So when John came in the knife room, Joe asked him did I do it. John said, "Yes he did. It's in your office."
14. I think that Mr. Moulton would come into the knife room to harass me or try to provoke me into saying or doing something to fire me, but I would not.

### 3. WORKER ENDANGEMENT

1. Due to the fact that I was written up on January 16, 2015 for a safety violation according to Mr. Joe Moulton, Mr. Moulton did not research the situation, but still made the knife room employees use the safety gloves. Those gloves are not oil resistant gloves. The gloves pose a threat of safety endangerment to the workers. Those gloves are for line workers that use the knives and even they wear latex gloves over them.
2. On May 29, 2015, I was taken to Human Resources and written up, because Joe said I was using the TruHone Machine without water. This was not the case at all, the machine was on, but no one was using it. The third shift employee was the last one to use it. I had not been at work that long that morning, when we went to Angela Giscombe's office. I had to sit there and listen to him lie on me. I kept telling Angela, "It was not true." She said, "If Joe said it, I did it," I could do nothing, but break down and cry, I got up and went back to the knife room, still crying. John Lawrence and Thomas Hardy saw me and followed me back to the knife room. I was breathing so hard that Thomas Hardy used his supervisor's radio to call the nurses over to the knife room. My chest was hurting, so bad and my heart was beating rather fast. The nurses put a pulse ox meter on my finger and kept talking to me and telling me to calm down because my heart rate was over 200 bpm and climbing. They took me to the clinic, where they gave me two freeze pops to get my body temperature down some because of the heat. After about an hour or two hours, they let me go home. I was hyperventilating. I was told by a nurse supervisor at Southampton Memorial Hospital in Franklin, VA that it was dangerous to my health.
3. On Saturday, April 25, 2015 as I was going to punch in for work to do inventory, the cat walk had only one light on. I did report it, because I could have fallen down the stairs. (See Exhibit H)
4. On April 24, 2015 I was written up for not wearing some scratched up safety glasses that Joe Moulton had given me to wear. I could not see well at all through them. He told me to go to the maintenance store room to get a new pair and if there were any question to say he sent me down there. (See Exhibit H1, H2)

#### **4. DISCRIMINATION**

1. Mr. Jones, John Lawrence, Joe Moulton, Chris (The trainer) George (a trainer), and more have all violated a safety rule that I have seen with my own eyes and even in front of Joe Moulton; and nothing was done about it.
  - a. January 16, 2015 – Joe Moulton had no safety gloves on while taking out old knives from the bin.
  - b. April 25, 2015 – John Lawrence was putting a number on the whizard knives without safety gloves, the knives had blades in them.
  - c. Joe Moulton entered the knife room without safety glasses; he realized it and left after 5 minutes.
  - d. John Lawrence entered the knife room without safety glasses and stated that he could not see well with those safety glasses over his eyeglasses. After all this, I am the only one who got wrote up and terminated. Supervisor Paulette Wiggins got cut working on the line without a chain glove and some others, but yet, they still got jobs at Smithfield North Plant.
  - e. Mr. Moulton replaced me with Mr. Jones 29 or 30 year old man, who knew much of nothing about the knife room, was put on first shift. As of today, he is still in the knife room working, I believe, on the second shift. Mr. Moulton even had the nerve to ask Mr. Jones, in my presence, “Did he want a job in the knife room?” Mr. Jones said, “Yes,” because he didn’t want to go back to the kill floor.
  - f. Mr. Moulton came in the knife room and told us that we could not use our cell phone. It is what we have been doing for years, because we were under management and we were authorized by the company to do so. Using the cell phone was our way of communicating with each other throughout the plant. Yet when he made this rule, John Lawrence, who was an hourly employee, and other trainers, were still using their cell phones throughout the plant. (See Exhibit E - E 1 )
  - g. On April 22, 2015, my personal possessions and company items were removed from my locker, but yet, John Lawrence things was in locker on April 23, 2015 (See Exhibit B 3 ); and a parts locker also had not been cleaned out. (See Exhibit B 4 ) These lockers were not cleaned, but my locker was.

## **5. RETALIATION**

I believe I was terminated because of retaliation, due to fact I filed harassment claims and or charges against the company, Smithfield Foods North Plant. About 2 weeks after I was no longer represented by Bertini & Hammer, PC, I was terminated and nothing took place that day. Joe Moulton wanted me to sign a paper in August 3, 2015 and I did not sign it. He gave it to me on Monday before lunch and said he wanted to read it and sign it. I read it in front of him and told him that I wasn't going to sign it, because it had nothing to do with me.

(See Exhibit D - D4 )